

# Exhibit A

**Authorized by the U.S. District Court for the District of Massachusetts**

**Notice of Revision to Proposed Class Action Settlement Involving Certain  
Chemotherapy Drugs Sold by BMS**

**1. What Is This Notice About?**

There is a Proposed Settlement of a class action lawsuit involving Bristol-Myers Squibb ("BMS") drugs Blenoxane®, Cytosan®, Etopophos®, Paraplatin®, Rubex®, Taxol® and Vepesid® (referred to as the "BMS Drugs"). The name of the lawsuit is *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS, MDL No. 1456.

You were mailed this Notice because you previously filed a Claim Form in response to an earlier Notice that was sent to you. On the Claim Form, you indicated that you made a payment from January 1, 1991 through December 31, 2004 for a BMS Drug.

This revised Notice informs you of a change in the terms of the Proposed Settlement.

**2. What Is The Relevant Change In The Terms  
Of The Proposed Settlement?**

Under the Proposed Settlement, BMS will pay \$19 million to settle the lawsuit. This amount is meant to satisfy the claims of both Third-Party Payors ("TPPs") who meet the criteria for inclusion in one of the two Settlement Classes as well as claims by consumers who made percentage co-payments and full cash payments based on the published Average Wholesale Price ("AWP"). All costs associated with notice and administration, attorneys' fees and litigation costs, and compensation to the named class representatives for time spent providing documents and testimony in connection with this case will be paid from the \$19 million settlement amount, except that BMS will pay 50% of the costs of notice up to \$1 million.

Under the initial proposal, 77% (or \$14,630,000) of the gross settlement amount was designated to satisfy the claims of TPPs. The remaining 23% (or \$4,370,000) of the gross settlement amount was designated for the purpose of paying consumer claims. Consumers and TPPs are sharing the costs of notice and administration equally.

The Court considered the Proposed Settlement at a hearing held March 28, 2011. Among other things, the Court requested that the Proposed Settlement be modified to provide more money to consumer members of the Classes. Afterward, a mediation was held between Allocation Counsel for consumers and TPPs, which produced an Agreement that provided Consumers with an additional \$1,000,000. Thus, the Agreement now provides that consumers will receive a gross settlement amount of \$5,370,000 (28%), and that TPPs will receive a gross settlement amount of \$13,630,000 (72%).

*Your legal rights are affected even if you do not act.  
Read this Notice carefully.*

All other terms of the Proposed Settlement relevant to TPPs remain unchanged. Other changes relating to the distribution methodology apply only to consumers.

The Court has approved the Proposed Settlement, as revised, on a preliminary basis. It has further determined that the revision does not warrant a second "opt out" period in which class members who declined to exclude themselves before should now be offered another chance to do so. Accordingly, if the Proposed Settlement is finally approved as revised, you will be bound by its terms. The Court will hold a Hearing to decide whether the revised Proposed Settlement should be finally approved (*See* Question 4).

### **3. May I Object To, Or Comment On, The Revision To The Proposed Settlement?**

Yes. If you have comments about, or disagree with, any aspect of the revision to the Proposed Settlement, you may express your views to the Court. You must do this in writing. Your written response must include:

- Your name, address, telephone number, a brief explanation of your reasons for objection, and
- The case number (Civil Action Number: 01-CV-12257-PBS, MDL No. 1456).

The document **must** be signed to ensure the Court's review. The response must be filed with the Court at the following address on or before **July 1, 2011**: Clerk of Court, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210 and served on Counsel for the Parties so that the objection is **received** on or before **July 1, 2011** at the following addresses:

Counsel for the Class

Steve W. Berman  
Hagens Berman Sobol Shapiro LLP  
1918 Eighth Avenue, Suite 3300  
Seattle, WA 98101

Counsel for BMS

Lyndon M. Tretter  
Hogan Lovells US LLP  
875 Third Avenue  
New York, NY 10022

In addition, your document must clearly state that it relates to the "BMS Settlement." If you file or present an objection, you will be subject to the jurisdiction of the Court.

### **4. When And Where Will The Court Decide On Whether To Grant Final Approval Of The Proposed Settlement?**

The Court will hold a Hearing on July 7, 2011 at \_\_\_ p.m. to consider whether it is fair, reasonable and adequate. At the Hearing, the Court will also consider whether to approve the Proposed Settlement; the request for attorneys' fees and expenses; and any comments or objections. You are not required to attend, but may do so at your own expense.

If you want your own lawyer instead of Class Counsel to speak at the Final Approval Hearing, you must give the Court a paper that is called a "Notice of Appearance." The Notice of Appearance must include:

- Your name, address, telephone number, signature;
- The name, and number of the lawsuit (Civil Action Number: 01-CV-12257-PBS, MDL No. 1456);
- State that you wish to enter an appearance at the Final Approval Hearing; and
- Any documentation in support of such opposition.

Your Notice of Appearance **must** be filed with the Court on or before **July 1, 2011** and served on Counsel so that it is **received** on or before **July 1, 2011**. The Notice of Appearance must be filed with the Court and served on Counsel at the addresses set forth above in response to Question 3.

<b>5. Where Do I Obtain More Information?</b>
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You may obtain more information, including a copy of the original Notice that was previously mailed to you, by visiting the BMS AWP Settlement web site at [www.BMSAWPSettlement.com](http://www.BMSAWPSettlement.com), by calling 1-877-690-7097, or by writing to:

BMS AWP TPP Settlement Administrator  
P.O. Box 24648  
West Palm Beach, FL 33416

DATED: May \_\_, 2011

**BY ORDER OF THE COURT**